IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORP.,	§	
Plaintiff,	§	CV No.: 2-O3CV-459
	§	Hon. David J. Folsom
vs.	§	JURY DEMAND
	§	
MAGTEK, INC., a/k/a	§	
MAG-TEK, INC.,	§	
Defendant.	§	

JOINT CLAIMS CONSTRUCTION REPORT AND PREHEARING STATEMENT

In accordance with the Agreed Docket Control Order dated July 25, 2005, and Patent Local Rule 4-3, counsel for Plaintiff DataTreasury Corporation and counsel for Defendant Magtek, Inc a/k/a Mag-tek, Inc. file the following statement.

Magtek accepts with this Court's Markman Order entered on February 28, 2005 adopting Magistrate Craven's Report & Recommendation entered on November 2, 2004. A copy of the Order and Report are attached at Exhibit A and B, respectively. Thus, with respect to all the terms construed in the Report, the parties are not in dispute as to their construction. An additional term for construction as proposed by the Parties is the term "Image." At this time, the Parties are not in agreement as to the construction of this term.

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However, the Parties represent they will attempt to continue to work together to reach a construction supported by the law and agreed upon by both Parties. At this time, Plaintiff's proposes the following definition for the term "Image":

Image:
An optically or electronically formed representative reproduction of an object, for example, an optical reproduction formed by a lens or mirror or an electroptical device such as a charge-coupled device (CCD), or other optical system.

The Defendant's proposed definition for the term "Image" is as follows:

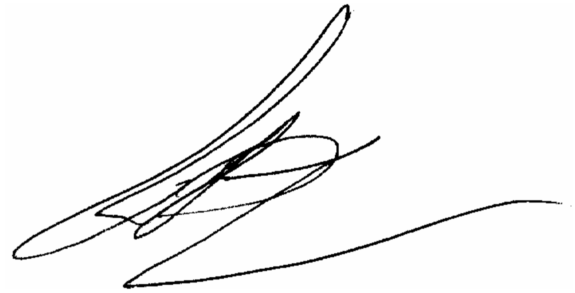
Image:
A digital bit map image of a document or receipt

To the extent that extrinsic evidence may be relied upon by Plaintiff, attached as Exhibit C is the '988 Patent. Additionally, Professor John Hiles may testify as to the construction of this term based on a person skilled in the arts understanding of the intrinsic evidence.

Although Defendant believes extrinsic evidence is unnecessary to construe the term image, Defendant may rely upon the dictionary definition of the term "bitmap" (See, *e.g.*, the definition of "bitmap" at the following website addresses: http://foldoc.org and httpp://www.webopedia.com), copies are attached as Exhibit D. Defendant does not believe that expert testimony is necessary to construe the term "image," but reserves its right to identify one or more testifying expert witnesses in rebuttal to Plaintiff's expert.

Jointly submitted,

Attorneys for Plaintiff
DataTreasury Corporation



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